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COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD OF THE 306th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 June 1996, at 10 a.m.

Chairperson: Mrs. EUFEMIO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Guatemala

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GE.96-16569 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Guatemala (CRC/C.3/Add.33; HRI/CORE/1/Add.47; CRC/C.12/WP.

1. At the invitation of the Chairperson, Mr. Arranz Sanz, Mr. Urruela Prad Mr. Aval, Mr. Gandara, Mr. Diaz Duque and Mr. Olivero (Guatemala) took place at the Committee table.

2. The CHAIRPERSON, welcomed the Guatemalan delegation and invited it to introduce Guatemala's initial report.

3. Mr. URRUELA PRADO (Guatemala), after thanking the Chairperson for her words of welcome, said that the democratic Government of Guatemala, which hoped to engage in constructive and lasting dialogue with the Committee, attached great importance to the consolidation of the peace process and to respect for the rights of the child; it would take every possible measure to deal with the problems facing it, which were due largely to the after-effects of the armed conflict and to the lack of resources.

4. Mr. GANDARA (Guatemala) read out a message from the First Lady of Guatemala, Mrs. Patricia de Arzú, in which she outlined the actions taken by the Government to help children, young people, women and the family, which ha to be seen in a very specific context. Guatemalan society was emerging badly bruised from a very long internal armed conflict, in the course of which more than 120,000 people had died or disappeared. Additional factors were poverty discrimination, inequality, malnutrition, a shortage of housing and schools and insufficient health care.

5. In order to provide effective and lasting solutions to all such problem the Government was currently preparing a draft code on childhood and adolescence and would very shortly be establishing an institute with the task of coordinating and supervising - in collaboration with the Committee for Minors, Women, the Family and Old People - action to benefit children. The Government was, moreover, attempting to incorporate measures to help children with regard to health, nutrition and education, among others, into the framework of a comprehensive policy of development and access to basic services; the policy would be rooted in the primacy of moral values, which were currently undergoing a crisis with tragic effects that were evident in society in general and in children particularly. One manifestation of the crisis was the internationalization of organized crime, which weighed most heavily on small countries with weak economies, undermined their institutions and threatened the living conditions of children and adolescents. In addition, the mass information media conveyed to young people messages of doubtful moral value and tempted them with material goods beyond their reach, thus encouraging hedonism and aggression, if not actual crime.

6. Lastly, he said that in her message Mrs. Patricia de Arzú expressed her profound gratitude to all Governments, individuals, institutions and organizations which worked for the people and the children of Guatemala.

7. Mr. ARRANZ SANZ (Guatemala) said that since the start of the "democratic transition" in 1986 Guatemala had ratified some 50 international human rights instruments, including the Convention on the Rights of the Child, which had entered into force on 2 September 1991. The decade had seen other important events, too: the amendments to the Constitution, the peace process, action on poverty, economic and social development, the strengthening of institutions, action to combat impunity, and free and transparent general elections.

8. In order to implement the provisions of the Convention, the Government had set up the Commission for the Convention on the Rights of the Child, which was made up of various governmental and non-governmental organizations and which, with the assistance of international bodies, undertook action to benefit children. The Commission had taken part in preparing the draft law relating to the code on childhood and adolescence, which was currently receiving its final reading in Parliament. In addition, Guatemala had in 1991 drawn up a plan of action with a view to implementing the recommendations made by the World Summit for Children. He mentioned in that context that the social policy of the Guatemalan Government stressed the importance of respect for life, of the individual as the centre and the subject of development, of the family, of peace and democracy, of respect for the environment and of the careful management of natural resources.

9. Demographically, Guatemala, with a population of about 10 million, was characterized by a wide cultural, ethnic and linguistic diversity, as indicated in HRI/CORE/1/Add.47, paragraphs 177-180. Sixty-five per cent of the population lived in rural areas and 44 per cent of Guatemalans were under the age of 15.

10. On the economic front, he noted that 10 per cent of the population received 44 per cent of the national income and that 2.2 per cent of landowners owned 65 per cent of usable agricultural land. Meanwhile, 86 per cent of the population lived below the poverty line. The worst affected districts were inhabited largely by Mayas. Women and children were the main victims of the situation, particularly in areas directly affected by the armed conflict.

11. To put an end to the conflict, the Government of the Republic and the Unidad Revolucionaria Nacional Guatemalteca (URNG) had signed several agreements covering the following questions: respect for human rights, the return of populations uprooted by the armed conflict, the creation of a commission to investigate human rights violations and acts of violence, the identity and rights of indigenous peoples, socio-economic factors and land ownership. The comprehensive peace agreement that was shortly to be signed would usher in a solid and lasting peace, improve the living conditions of the most disadvantaged sectors and make possible the lasting development of the country. To that end, the Government intended to consolidate democracy, speed up the modernization of the economy, take action against poverty, make rational use of natural resources while respecting the environment, modernize and decentralize the State and improve the situation of children in the areas of health, nutrition and education.

12. The malnutrition rate in Guatemala was high. In 1990, 4 per cent of children under the age of five had been found to suffer from nutritional deficiency and, according to a survey conducted in 1986, 37.4 per cent of primary school children suffered from retarded growth. Breast-feeding, however, was current practice. In 1987, 94.6 per cent of babies under the age of three months, 79 per cent of infants aged less than one year and 29.4 per cent of those aged under two years had been breast-fed. Furthermore, while food and nutrition programmes had not achieved the results hoped for, programmes designed to resolve problems due to lack of micro-nutrients had proved effective.

13. The fact that barely 55 per cent of the population had access to the services of the Ministry of Public Health and Social Assistance or to those of the various private health schemes was due to, among other factors, the Guatemalan population being scattered over some 22,000 remote villages, to the inadequacy of budgetary funds allocated to health, and to the inappropriate distribution of the resources of the Ministry of Health, 35 per cent of which were earmarked for regional hospitals and health centres while, 40 per cent went to the two hospitals located in the capital.

14. The illiteracy rate in Guatemala was 38 per cent in the country as a whole and 70 per cent among the indigenous population. The proportion of children attending primary school had been 82.7 per cent in 1994, the objective for 1996 being 85 per cent.

15. The CHAIRPERSON invited members of the Committee to ask the delegation for clarifications on the questions relating to general measures of implementation contained in the list of issues (CRC/C.12/WP.1).

16. Mrs. SARDENBERG thanked the delegation for its introduction and welcomed the message addressed to the Committee by the First Lady of Guatemala. As the initial report of Guatemala had been prepared by the previous Government and the written replies to the questions of the Committee emanated from the new Government, the initial report ought to be updated. In her view, the report consisted in a list of activities conducted and steps taken for the benefit of children rather than a real analysis of the problems the Government was encountering. She also asked for an explanation of the reasons that had prevented Guatemala from submitting the report on compliance with the Convention prepared in 1992.

17. She would appreciate additional information on children in especially difficult circumstances, and thought that the new Government should be encouraged to set up, at institutional level, a working group for the implementation of the recommendations of the various United Nations human rights bodies to which Guatemala reported.

18. On the concept of the child she saw a paradox. It appeared from the documents transmitted by the Guatemalan delegation that the child was often considered as an immature being having no legal capacity, whereas in practice children were often required to work like adults. It was to be feared that such a situation would influence both national policy and the population's attitude towards children. In that connection, she asked where matters stood with regard to the draft code on childhood and adolescence which was before

the Guatemalan Congress. Expressing concern at the lack of an overall policy on protection of the rights of the child, she asked what measures had been taken by the Government with a view to the full implementation of the Action Plan for the benefit of children. Lastly, she expressed the view that better coordination of the activities of the various public mechanisms established towards that end was desirable, and asked whether the Government envisaged any measures to improve the relevant institutional structures.

19. Mrs. BADRAN shared the previous speaker's view that it would be useful if the Government set up a working group for the implementation of the recommendations of various United Nations human rights bodies.

20. With regard to the inequalities existing between various sections of the population, she said that it was important to ensure that, as the World Bank had recommended, structural adjustment policies did not harm the most vulnerable groups, namely women and children. On the subject of coordination of the activities of various national mechanisms for children, she suggested that the Government might seek the help of UNICEF with a view to improving the efficiency of existing structures. Lastly, she asked for additional information on the stage reached in the consideration by the Congress of the draft code on childhood and adolescence.

21. Mrs. SANTOS PAIS welcomed the positive developments in Guatemala and, in particular, the negotiations for peace and the installation of a new Government. The agreements on the identity of indigenous peoples, on economic and social problems and on the agrarian situation also reflected an encouraging political commitment. She also welcomed the existence of the Office of the Human Rights Procurator. The Procurator's obligation to report annually to Parliament on his activities would facilitate regular evaluation of the action taken.

22. She viewed as positive the fact that the Convention took precedence over national legislation in matters of the rights of the child but said that it would be interesting to know how matters stood in practice. She also welcomed the 1991 Action Plan for Social Development, Childhood and Youth. However, it was stated in the report that the Action Plan had not been properly implemented and that it had not been possible to evaluate its effects. She noted the delegation's point about the need to harmonize the legislation in order to take the rights of the child more fully into account.

23. She asked for further clarification concerning the situation of street children, refugee children and orphans and for fuller information about the operation of the various national data collection, coordination and follow-up mechanisms. According to the report, it had been recommended in 1989 that the Office of the Human Rights Procurator should become the coordinator of all the national entities connected with policy on the rights of the child. Where did matters stand at present in that respect?

24. Under the agreements on economic and social problems and on the agrarian situation concluded in May 1996, decentralization was to be promoted. What role were local authorities playing in that respect and did they have sufficient resources at their disposal to ensure that decentralization policies were implemented? How did the Government envisage strengthening the

role of the Office of the Human Rights Procurator at local level, and in wha way was the protection of children, particularly indigenous children, guaranteed at that level?

25. With reference to the collection of data on childhood, the Government recognized in the report that it had been impossible to evaluate the effect of the Action Plan for Social Development because of lack of information, i particular concerning refugees and asylum-seekers, who apparently numbered roughly 33,000 persons, including many children; yet without such data it w difficult to promote and protect the rights of those persons. She also regretted the Government's failure to indicate whether it needed internatio assistance in that area, a question which the Committee had raised in the l of issues. International assistance in that particular area would seem to essential.

26. With regard to training programmes that should be envisaged with a vie to publicizing the Convention, the Government recognized in the report that there was too little awareness of the rights of the child and that, in practice, the child was not considered to be fully a subject of law. Howev the report mentioned a variety of measures taken to train specialists in childhood matters under the Convention. Were those measures systematic or sporadic?

27. She would be interested to know what was being done to prevent violat of the rights of indigenous populations and whether the Government had implemented any programmes to make their culture better known and appreciat She was also concerned at the very high illiteracy rate and asked what measures had been taken to ensure that campaigns designed to promote awaren of the rights of the child reached the illiterate sectors of the population Lastly, she asked what was being done to ensure that the Convention could b invoked before the courts or the administrative authorities in cases of conflict between the Convention and domestic legislation. In that connecti she recalled that under article 4 of the Convention States parties were required to undertake all appropriate legislative, administrative, and othe measures for the implementation of the rights recognized in the Convention.

28. Mrs. KARP asked what difficulties had been encountered in the process setting up the local development councils which were to be the principal mechanism for promoting the rights of the child in isolated parts of the country. The Guatemalan delegation had stressed that the question of coordination between the various ministries responsible for ensuring respec for the rights of the child was causing serious problems for the State. Th aspect in which she was most interested was the coordination of the activit of the three bodies mentioned in the report, namely, the Office of the Huma Rights Procurator, the Office of the Children's Ombudsman and the Commissio for the Convention on the Rights of the Child. It would be useful to know what links existed between those three bodies. Furthermore, the delegation having indicated that the courts were the chief means available to those bodies in order to ensure observance of the rights of the child, how did th bodies in question coordinate their efforts to defend the rights of the chi before the judicial authorities? Could the delegation give examples of rec court decisions favourable to children? She would also be interested to kn whether decisions adopted by courts had had repercussions in other areas of

importance to the welfare of children, particularly at the level of the administration and of the various authorities concerned. According to information available to the Committee there was no budget for the implementation of the Action Plan for Childhood and that was the reason why the plan had not yet been implemented. The question that arose, therefore, was whether the enactment or any new law designed to benefit children should not be accompanied by a budgetary appropriation that would ensure its implementation.

29. Mr. MOMBESHORA noted that the Guatemalan Government recognized in its report that, even if the text of the Convention were translated into the local languages, the great majority of the indigenous population, which was illiterate, would not be able to read it, and that, for that reason, the contribution of local radios was extremely important. It would be interesting to know in that connection what percentage of the population had access to radios and how the Government intended to resolve definitively the information problem. On the subject of the protection of children's rights in Guatemala, it was stated in paragraph 38 of the report that the authorities gave priority to education programmes and activities designed to promote those rights. In view of the alarming reports of killings of children by members of the security forces, how, in concrete terms, were the authorities proposing to proceed? On the subject of children's work it was stated, in particular, that the economic aspects of the question had been analysed and appropriate measures taken. As the delegation had not provided any information on that point, it would be interesting to know what conclusions had been arrived at as a result of the analysis. Similarly, on the subject of children not attending school, it was stated in the report that according to a recent study most of the parents concerned preferred to put their children to work rather than send them to school. Fuller details on the study's content would be welcome.

30. Mr. ARRANZ SANZ (Guatemala) said that he had no information about the report of Guatemala prepared in 1992. On the other hand, he could inform the Committee on events that had taken place since 1994, which had been an extremely important year for the country. It was in 1994 that the administration of the previous Government had prepared the report currently before the Committee, which proved the importance Guatemala now attached to the rights of the child and testified to the commitment not only of the Government, but of the Guatemalan State as a whole. Thanks to the peace agreements, a new momentum existed in the country and serious commitments had been entered into to ensure that the funds set aside for education, nutrition and health were increased by 50 per cent between 1996 and the year 2000. So far as coordination between authorities responsible for promoting the rights of the child was concerned, it was true that no consistent policy for youth existed as yet, but the Government was envisaging shortly setting up a national family and childhood institute in order to fill certain gaps in that area. Furthermore, there existed in the Office of the Prime Minister a Social Welfare Department directly supervised by the Vice-President of the Republic and responsible for coordinating social policy and all activities for the benefit of youth.

31. The coordination of the activities of the Presidential Commission for the Convention on the Rights of the Child was the task of the Office of the Human Rights Procurator and, more precisely, of its Children's Protection

Department. Moreover, the draft code of childhood and adolescence would have to be in conformity with the Convention as well as with domestic legislation, and, since the Convention took precedence over domestic law, it was now legally possible to declare certain provisions of national law to be unconstitutional. However, the application of such a code, once it was adopted, would give rise to a number of practical problems; in particular, the structures necessary for its implementation would have to be established, an operation that was liable to prove expensive. Noting that some members of the Committee had remarked that the child did not have legal personality in Guatemala, he said that the reason why the authorities attached so much importance to the new code was precisely that they wanted the child to become a fully-fledged subject of law. The Presidential Commission, for its part, was considering making the new legal document the foundation of respect for the rights of the child in Guatemalan society. Its adoption would therefore represent the culmination of an extensive process of consultation open to all parties concerned.

32. With regard to social differences in Guatemala and to the difficulties inherent in the implementation of the structural reform programme, he said that the prime object was to ensure that the adjustment did not aggravate the situation of children, who had already suffered greatly from a conflict which had lasted almost 30 years.

33. The almost complete lack of statistical data was another major obstacle to government action. In that area, Guatemala counted greatly on the assistance of the international community. Monitoring compliance with the Convention would call for precise indicators in view of the fact that there were at present in Guatemala some 150,000 displaced children, that millions of others had no access to education or health care, and that no accurate statistics on the situation of those children existed beyond the projections established with the help of UNICEF and other agencies.

34. So far as informing the population about the Convention's provisions was concerned, he said that radio broadcasts, which were received in some 82 per cent of homes, were an extremely efficient medium; however, information was communicated by other, more direct means as well, in particular through the departmental human rights commissions and the NGOs operating on the ground. The use of the printed word would be of little use as few members of indigenous groups were able to read, even in their own languages.

35. A survey conducted by the Government in 1995 within the framework of the electoral process showed that despite all the efforts made, only 10 per cent of the child population were aware of the Convention's existence. A review of the strategy followed with regard to communication would therefore seem to be indicated.

36. Replying to the question concerning the training of police officers, he said that while the number of complaints involving police brutalities suffered by street children had diminished, the problem had not been resolved and the police apparatus had to be completely restructured. In reply to the question as to why so many children in Guatemala did not attend school, he said that the problem was due to the fact that the teaching system was out of step with national reality. Many parents refused to send their children to school

because they considered the knowledge acquired there to be of little practical use. The new Government was aware of the situation and had appointed an eminent member of the ruling party to head the Ministry of Education. The present strategy was designed (a) to raise the school attendance rate to at least 85 per cent and (b) to increase support for the National Literacy Committee in order to make up for shortcomings in the education system which had led to an increasing number of illiterates aged over 15 years. It was to be hoped that, with the help of the NGOs working in parts of the country where there were no national education establishments, all Guatemalan children would, by the year 2000, receive at least six years of primary schooling.

37. In connection with the role of the Human Rights Procurator at local level, he said that the Procurator was assisted by delegates in all parts of the country. With a view to strengthening his role still further, Parliament was currently considering a draft act to create human rights committees at the municipal level.

38. With reference to the short-term and medium-term objectives listed in his initial presentation, he said that the central objective was to define an integrated childhood and adolescence policy and, to that end, to set up a special body responsible for carrying out that policy, namely, the institute whose functions he had described. It would also be important to adopt and implement the code on childhood and adolescence as well as the law on adoption and all other relevant instruments.

39. Mrs. SARDENBERG asked how the Convention was being disseminated, especially considering the lack of funds, and welcomed the participation of students mentioned in paragraphs 87 and 88 of the report. With reference to the Mayas, she understood that a real problem arose because of the remoteness of the areas in which they lived and the fact that many of them could not read and that they spoke different languages.

40. Mrs. SANTOS PAIS, referring to the question of mechanisms for the implementation of the Convention, asked which was the responsible body and whether the decision makers, particularly those responsible for allocating funds, were known to the geographically remote and rural populations. It would also be helpful if the Guatemalan delegation could explain how the activities of the central organs were coordinated with those of local bodies; dialogue between the two ought to make it possible for the general policy to reflect the feelings of the population. It was also essential for the relevant bodies to cooperate among themselves so as to strengthen the follow-up system despite the lack of funds. Moreover, the public authorities would not be able to carry out a consistent and concerted policy unless they had access to all the data concerning all children in all spheres. An important step in the direction of greater consistency would have been taken when the role of the Procurator was strengthened at the local level by local commissions.

41. She had no doubt that the Committee would recommend that Guatemala should adopt the Code on Childhood and Adolescence so as to remove all doubt regarding the respective status of the Constitution and the Convention. It should be made perfectly clear that the Convention came first.

42. She wished to stress the importance of training and education activities in changing popular attitudes towards "minors", a pejorative term in so far as it implied that the young had no legal capacity. There again, it was necessary to make the provisions of the Convention known to schoolchildren as well as, in particular, to judges, members of the police force, and schoolteachers. She would also like to know what was being done to ensure respect for traditions and cultural differences among the Guatemalan population. Lastly, recalling the importance of article 4 of the Convention, she asked how the priority that should be given to children - indigenous, rural, refugee, female, etc. - was reflected in State or municipal budgets, adding that the budget was not merely a financial mechanism but also a mechanism for social action.

43. Ms. KARP said she understood the problems that arose in connection with violations of the rights of the child but would like to know how they were dealt with by the courts, the Supreme Court or other judicial bodies. She asked whether there was a settled policy on the rights of the child, in particular as regards the participation of children, and how the courts were helping to change the situation.

44. As Mayan was not a written language, she asked what steps were being taken to ensure, either that it became one, or that primary education in another, written language was compulsory.

45. Mr. ARRANZ SANZ (Guatemala) said that dissemination of the Convention was achieved in several different ways: through groups of academics, competitions, stage plays, literary works, audio-visual media, radio, newspapers, etc. Maya children received education in the five principal Mayan languages from specialized teachers in all parts of the country. Lastly, he said that the Human Rights Procurator was responsible for promoting the Convention and ensuring its implementation, but was not in charge of the management of policies and social action, the responsibility for which rested with the Social Affairs Secretariat.

46. Mr. GANDARA (Guatemala) reminded the Committee that Guatemala had been a democracy only since 1986 and that the many problems still to be resolved included, in particular, that of the violation of the rights of the Maya people, who, although representing 65 per cent of the population, had for a long time suffered discrimination. However, the Social Affairs Cabinet, which reported to the Social Affairs Secretariat of the Office of the President, had been entrusted with coordinating measures taken by the legislative, the executive and the judicial authorities so that those organs might adopt the same view of what constituted human rights violations.

47. Among the most important of those violations were the absence of health care and education. In order to remedy the former it was important to encourage the establishment of preventive medicine services; to remedy the latter, it would be necessary to introduce bilingual teaching in the indigenous languages and in Spanish. The budget share that would be set aside for the implementation of the Convention would go to the institute whose establishment was being envisaged and which would be entrusted by the Government with the elaboration of policies to be pursued.

48. Mr. ARRANZ SANZ confirmed that the institute to be established would be the body entrusted with the implementation of the Convention's provisions. Replying to another question, he said that it was true that the Convention's provisions were rarely invoked by lawyers before the courts. As for discrimination against the indigenous populations, the participation of, in particular, the Maya population was becoming a reality thanks to the recently concluded agreement; the different populations were learning to coexist in a climate of mutual understanding.

49. Writing was taught not only in Spanish but also in Mayan, an official alphabet for which had recently been approved. Illiteracy certainly still existed, especially among the Mayas, but it was going down. Lastly, in reply to the question raised about specific cases of violation of the rights of the child brought before the courts, he said that some cases had indeed been dealt with, but impunity had not disappeared for all that.

50. Mrs. BADRAN said it was a matter for concern not only that the age of marriage in Guatemala was not the same for boys and girls - which represented a form of discrimination - but also that it was too low. She doubted whether young people aged 14 or 16 were sufficiently mature to start a family or had the material means for raising children, apart from the fact that early pregnancy was dangerous for the health of both mother and child. Efforts should be made to accustom the population to the idea that family planning services were preferable to abortion in ensuring that families were less large and the maternal mortality rate less high.

51. Mrs. KARP, reverting to the subject of the very low marriage age for girls, its discriminatory aspect and the danger it represented to girls' health, asked whether it would not be possible for the law to provide that marriage below a certain age would be possible only with the approval of the courts, which, in her view, were in a better position than parents to consider the child's best interests.

52. Mr. MOMBESHORA, noting that the minimum age of employment was 14 years or in authorized cases, even less, asked how the safety of young people thus employed was ensured and what had been the upshot of the seminar held to discuss the content of ILO Convention No. 138 on that subject.

The meeting rose at 1 p.m.

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GE.96-16576 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Guatemala (CRC/C/3/Add.33) (continued)

1. Mrs. SANTOS PAIS said that much of Guatemala's legislation was not in conformity with the provisions of the Convention and that the adoption of a code on children and adolescents should be considered. The marriageable age was an obvious example of incompatibility with the Convention in so far as the difference in ages for boys and girls amounted to discrimination. Were there any plans to amend legislation to rectify that situation?

2. The absence of an upper age-limit for completion of compulsory primary education was a source of concern in that it made it difficult to monitor the extent to which children in Guatemala were enjoying the right to education; it also violated the International Labour Organization's Minimum Age Convention, No. 138 (1973), which stated that the age at which a child could work should not be lower than the age at which compulsory education ended. It was equally worrying to note that in 1989, there were 509,000 minors - some 17 per cent of the economically active population - working in rural areas, which clearly testified to the high drop-out rate in Guatemala's schools.

3. It would be helpful to have some clarification of the system of immunity from prosecution for minors and to know whether there was a minimum age below which a child could not be deprived of liberty for breaking the law by act or omission. Similarly, were children being deprived of their liberty or stigmatized for "irregular behaviour" as a result of situations in which they were the victim, such as abandonment or poverty? Details should also be provided on whether the death penalty could be applied to children, since the Political Constitution of Guatemala did not specifically state otherwise.

4. According to the report, the minimum age for military recruitment was 18. However, there had been allegations of the forced recruitment of children under that age. What measures were being taken to resolve that situation, in view of the efforts to demilitarize Guatemalan society?

5. Mrs. KARP asked what steps were taken to prevent the violation of the rights of children who had been placed in reform or educational institutions and whether such institutions were monitored by the courts, for example. In the same vein, at what age could children give testimony in court cases, what was the attitude to child witnesses and what were the procedures for a child to lodge a complaint of sexual abuse, for example, if he or she was too young to go before a court?

6. Mr. ARRANZ SANZ (Guatemala) said that legislation governing the minimum marriageable age for girls and boys was under review, as part of an overhaul of the entire Political Constitution following the signing of the peace agreements. However, perhaps more important than legislative reform was the need to help children to become responsible adults through education. The Government had an excellent programme for girls' education, involving both the public and private sectors.

7. Unfortunately, Guatemala's education legislation set no upper limit at which compulsory education had to be completed. It was therefore true that a child over 14 years of age could work without having finished his or her compulsory education. Efforts were being made to rectify the situation through legislative reforms and social improvements, so that children did not have to work to help support the family.

8. Forced military recruitment had been prohibited since 1995 and cases of such practices were isolated. Congress was in the process of discussing three bills concerning military service, including provisions for conscientious objectors and social service as an alternative to military service.

9. Mr. AVAL (Guatemala), responding to the question on the immunity of minors from prosecution, said that a new awareness of the rights of the child was being promoted within the justice system. Regulations governed the age at which a child could testify in court in exceptional cases. However, in practice, it was rare for a child to appear in court.

10. Mr. ARRANZ SANZ (Guatemala) said that regulations needed to be amended and a code introduced to clarify the situation of criminal responsibility and to ensure that situations arising from poverty were decriminalized as far as possible. However, under current legislation, criminal responsibility began at the age of 18. Thus, the death penalty could not be applied to children under that age.

11. Mrs. KARP asked for clarification of the provision that a child could testify only in exceptional circumstances and regarding the age at which a child could lodge a complaint on his or her own behalf, without the consent of the parents or guardian. That was particularly important in cases where a child wished to take legal action to seek redress for sexual abuse. Did the authorities plan to amend legislation concerning the age at which a child could be called as a witness in court, in order to comply, inter alia, with the right of participation of the child enshrined in the Convention?

12. Mr. ARRANZ SANZ (Guatemala) said that machinery through which children could lodge complaints would be provided for in the legislative reforms. One initiative that had already been taken was the telephone service provided by the Human Rights Procurator whereby complaints received were passed on to the Children's Ombudsman, who investigated the allegations and sent the case to court where necessary.

13. Mrs. SANTOS PAIS said that there was general agreement on the need for legislative reform, including of the marriageable age. However, education and training, with the support of international organizations such as the United Nations Children's Fund (UNICEF), would be equally valuable in helping to change cultural attitudes. The same was true for the complicated issue of child labour. The Government needed to create a climate in which parents could afford to send their children to school, possibly by financial support providing for the family.

14. The Political Constitution of Guatemala specifically must stipulate that children were not subject to the death penalty. Efforts should also be made to change the attitudes of judges and lawyers through systematic training programmes.

15. Mr. ARRANZ SANZ (Guatemala) said that he agreed with the comments and recommendations made, which were particularly pertinent to a country in which children were often used by adults to commit crimes, in the knowledge that the child was immune from prosecution. Training and education programmes for people working in the legal profession were clearly needed and would emphasize that international treaties took precedence over internal law.

16. Mrs. SARDENBERG said that, in her opinion, the section of the report dealing with general principles was particularly weak and seemed to show a lack of understanding of the importance of the four key principles that were the backbone of the Convention as embodied in articles 2, 3, 6 and 12.

17. Guatemala had a historic tradition of discrimination against its indigenous peoples, particularly against indigenous women and girls. That amounted, inter alia, to violations of the right to life and development and disregard for the right of participation of women and girls and for the best interests of the child. Would the proposed legislative amendments include provisions to promote and assist marginalized groups and would there be policies and programmes to eliminate discrimination against indigenous children, in particular?

18. One positive aspect of the report was the fact that Guatemala had withdrawn its reservation to the Convention on the Elimination of All Forms of Discrimination against Women.

19. Mrs. KARP asked the delegation to provide examples of the way in which the courts applied the general principles of the rights of the child. She also observed, in connection with the rise in criminality among juveniles, that one means of protecting children from being used by adults to commit crimes was to adopt the system prevailing in some other countries, whereby such an adult was deemed criminally responsible for the offence.

20. Mrs. SANTOS PAIS said that Guatemala had not dealt fully enough with the general principles, in either the report or the replies. Yet those principles were the nub of the Convention, with their insistence that children should always be the priority and that they must be involved in dialogue and negotiation at all times, whether in the courts or elsewhere. It was to be hoped the proposed legislation outlawing discrimination of all kinds, would be precise enough. She asked how it would reflect the need for the equal treatment of girls and how it would ensure that action was taken to implement the law. She also asked to what extent children from ethnic minorities and children in irregular situations were discriminated against in practice and whether the use of a minority language constituted an obstacle for them. If such discrimination existed, what system of monitoring existed to deal with it? Even more important, the cause of such discrimination had to be tackled and solutions found to the inequalities between urban and rural areas, boys and girls, rich and poor. She asked, too, how the best interests of children were catered for. It was understandable that Guatemala gave priority to

peace, but peace was built through investment in society and if children did not benefit from such investment there was a possibility of new conflicts. Lastly, she commented on the paradox that article 12, relating to freedom of expression, was exemplified in the report by the child's right to remain silent when arrested by the police. There were so many circumstances in which the child's voice needed to be heard

21. Mr. MOMBESHORA asked whether there was a person or an agency which could be appealed to in cases outside the mandate of the Children's Ombudsman, such as the alleged killing of street children by the security forces.

22. Mr. KOLOSOV said that the Minors Department created by the National Police had stipulated that the best interests of the child should prevail in police and court procedures. It was not, however, easy to determine what those best interests were, however good the intentions of the police. He therefore asked whether there were any objective criteria or specific training programmes on how decisions should be reached. Was the child's point of view heard? He asked the delegation to provide specific examples of the kind of dialogue conducted with children brought to a police station.

23. Mrs. BADRAN drew the delegation's attention to the fact that several United Nations agencies ran programmes that could help countries in tackling sex discrimination. She urged the Government to take advantage of such gender-sensitizing programmes. Secondly, as prejudices were learnt early in life, Guatemala should ensure that textbooks did not perpetuate prejudices against girls, minorities and others.

24. Mrs. KARP asked, further to Mr. Kolosov's remarks, why children needed to be taken to police stations at all, if criminal responsibility did not begin until the age of 18. It would be more appropriate for them to go through educational channels.

25. Mr. ARRANZ SANZ (Guatemala) conceded that discrimination remained a problem, but he urged the Committee to look beyond the bare facts and acknowledge the progress that had been made. Discrimination was not permitted under the Constitution and legislation in that connection was improving, although it had not yet been brought into line with international instruments, including the Convention. The Government had, however, for the first time recognized the existence of de facto discrimination. The proposed legislation would make discrimination of any kind unlawful and contained specific commitments in the area of education and services to transform society. The priority was peace, it was true, but peace had two aspects. The first step was to sign an agreement to end the armed conflict, but the second was to rebuild the whole social structure, to give peace a human face.

26. Although illiteracy was concentrated in the rural areas, his country's performance in encouraging the use of Mayan languages had improved greatly. As for children's involvement in crime, that was the fault of a violent culture, and a distinction had to be made between children who were forced into crime and those who, however misguidedly, were voluntary participants. He hoped that the culture that encouraged the latter could be reversed through education. With regard to the best interests of the child, he said that the

police received no specific training on dealing with children, although they could call on the services of psychologists. The police were trained to investigate crimes against children.

27. Mrs. SANTOS PAIS welcomed the proposed legislation prohibiting discrimination; she hoped that it would cover all aspects of the Convention. Some action, however need not wait for the introduction of the bill; existing discrimination against vulnerable groups could be tackled immediately. For example, of 2.2 million Mayan school-age children only 1.4 million attended primary school and of those only 170,000 were taught in Mayan. Only 30 per cent of indigenous girls attended school and 78 per cent of indigenous women were illiterate; that represented a much higher proportion than the national average and the situation with regard to secondary education was even worse. The most disadvantaged groups should receive priority in the provision of free and universal education. She wished to know what active measures the Government was taking to implement its ambitious plans.

28. Mr. KOLOSOV drew attention to article 2 of the Convention, providing for the protection of a child against discrimination based on the opinions of its parents. In view of Guatemala's recent history and given that in small places, where everybody knew everybody else, people's political opinions were widely known, the article ought to be enshrined in law, whether in the proposed legislation on discrimination or in separate law.

29. Mr. ARRANZ SANZ (Guatemala) said that 35 years of armed conflict had created enormous problems and the Government was doing all that it could. There was an urgent need for funds in order to implement many specific development projects which currently existed only on paper, and a programme of fiscal reform had been initiated.

30. With regard to the situation of indigenous peoples he recalled Guatemala's ratification of ILO Convention No. 169 and the commitment entered into by the Government. Joint bodies had also been set up to look into the situation.

31. Legislation existed to deal with the problem of discrimination based on political opinion, but it represented one of the most difficult aspects of reconstruction. It did not appear to constitute a problem as far as children were concerned, however.

32. Mr. KOLOSOV said that, unless a child was registered, he or she did not become a subject of law. According to the information given to the Committee, the Government of Ecuador made use of students who travelled the country helping to register newborn children and explaining to parents the importance of such action. He thought that a similar procedure might also be followed in Guatemala.

33. Mrs. SANTOS PAIS said that she welcomed the frankness of the delegation in recognizing the problems and difficulties facing their country. It was important to plan for the future, but it was also important to consider what Guatemala had achieved since ratifying the Convention. In that regard, she referred to the scope and importance of the agreements concerning the rights

of indigenous peoples and economic and social questions and of the Plan of Action for Social Development, Human Development, Childhood and Youth.

34. She stressed the importance providing for birth registration, particularly since so many children lived in remote rural and indigenous areas. She would therefore like to know what measures had been adopted to ensure universal birth registration in Guatemala.

35. With regard to paragraph 22 of the list of issues (CRC/C.12/WP.1), she would like to know whether children whose rights had been violated were entitled to take action so that the violation could be investigated.

36. She asked who would carry out an investigation if a child had been mistreated, tortured or murdered, how long such investigations took to complete, what was the role of the courts and what was done to publicize the outcome of proceedings, in order to strengthen confidence in the justice system. According to her information, there had been only seven convictions in such cases. The Office of the Human Rights Procurator had recognized that in the first three months of 1996, 84 children had been killed. She would like to know what was being done to put an end to impunity for such acts in Guatemala. She also asked what was being done to eliminate all paramilitary groups and provide training to the police so that they would be seen as a support rather than as a threat. She would also like to know what measures were being taken to reform the penal code to afford protection to street children and children from poor backgrounds.

37. Mr. AVAL (Guatemala) said, with regard to birth registration, efforts were complicated by the fact that much of the population lived in remote and scattered communities as well as by cultural factors. However it was hoped to improve the registration system so as to cover all areas of the country.

38. With regard to the question of criminal proceedings, he said that in many of the cases involved it had not been possible to obtain convictions because of lack of evidence.

39. Mrs. SANCHEZ PAIZ said that in a society which was still highly militarized, it was a matter for great concern that children appeared to be regarded as having no value. It was essential that the demilitarization of society should lead to an attitude whereby all groups were respected. She expressed regret that it had not been possible to investigate crimes committed against children in a systematic manner. While democratization was essential, the rights of the child were a priority. The State authorities had to be able to transmit the message that human rights were a fundamental element of society. She recommended that absolute priority should be given to the rights of children as the most vulnerable sector of society. The message that impunity was at an end had to be sent very clearly in Guatemala. The agreements that had been signed and the commitments of the Government should mean something for children.

40. Mrs. SARDENBERG said she would like to know whether anything had been done in Guatemala to reintegrate street children into society.

41. Mr. ARRANZ SANZ (Guatemala) said that street children, of whom there were about 1,500 in Guatemala, did not represent the main problem with regard to children. His Government considered that hospitals without services, lack of education, rural areas without drinking water and displacement of population, which were consequences of 35 years of armed conflict, presented far greater problems.

42. A programme had been introduced to restructure the security forces and the armed forces, which had led to changes in the Ministry of the Interior, and there were various proposals for modifying the Code of Criminal Procedure. With those measures, the Government hoped to break down the wall of impunity soon, but the success of its efforts depended on achieving a consensus. However, some progress had been made.

43. Mrs. SANTOS PAIS said that the Committee shared the hopes expressed by the delegation. Considerable hope was placed on the new Government and investigations could always be resumed if new evidence was produced. Ideally, institutions should be able to institute proceedings without having any petition from the victim, a process which might alleviate the atmosphere of fear and impunity.

44. Mr. ARRANZ SANZ (Guatemala) said that the Attorney General, the Procurator, the Ombudsman and the Ministry of Justice were investigating cases of abuse.

45. Mrs. SANTOS PAIS commented that, given the years of violent conflict in Guatemala, the role of the family assumed even greater importance, and asked what kind of support the Government was providing for families.

46. She asked what action the Government was taking to combat child trafficking and encourage legal adoption. It was important for the Government both to pass its proposed adoption law and to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

47. The ill-treatment of children appeared to be endemic in Guatemala, where the notion seemed to persist that they were not autonomous individuals, but the property of the family; that attitude needed to be changed. She asked what measures the Government intended to take to gather the necessary data on the subject, and to ensure that parents, guardians and teachers stopped seeing ill-treatment as a suitable form of punishment. She also wished to know what specific policies were being developed to rehabilitate children who had suffered abuse in their families, and to ensure their physical and mental recovery.

48. Mrs. KARP said it was a good sign that the Government acknowledged the existence of child abuse and sexual abuse in Guatemala and that it had established a national body to look into it; she would welcome details on the scope of that body's action. The rehabilitation of children required a comprehensive approach which involved professionals at every step of the way, from the moment a complaint was lodged. Coordination was also vital, for example, between the police and social workers, to ensure that treatment was also available for the perpetrator. She asked what the prospects were for new legislation on rehabilitation and for new coordination mechanisms.

49. Mrs. SARDENBERG said that, while much was made of what the Government was going to do in the future to stop the ill-treatment of children, there were few signs that it was already doing anything. It was important to produce some examples of projects already under way and to set a date for the adoption of the draft code on childhood and adolescence or the law against discrimination, for example. It was also important to evaluate the results of action already taken, such as the appointment of the Children's Ombudsman.

50. She said the use of special telephone lines for children who had been the victims of abuse was a very useful first step, and asked if the results of Guatemala's 155 line had been positive, or whether the service needed to be improved. The time was right for change, the political will was there, and the problems had been acknowledged, but there was so much to do that the Government must make an effort to keep its plans realistic.

51. Mr. MOMBESHORA asked whether there was a counselling service available to prepare young people for marriage and whether the Government had run into any problems with its impressive maintenance recovery programme.

52. Regarding health issues, he asked what percentage of the Government's most recent budget had been devoted to health. He welcomed the large increase in the proportion of the health budget being allocated to preventive health programmes. He wished to know if the Government had a national nutritional policy, and, if so, whether it took into account the need to grow nutritious crops as well as cash crops, and whether the problem was exacerbated by a land shortage.

53. He questioned the effectiveness of the Government's programme to teach people about the treatment for diarrhoea, especially in parts of the country where there were few hospitals.

54. He asked whether the fact that 78 per cent of confinements took place in the home was a result of Government policy or of a shortage of facilities, and whether the traditional midwives mentioned in paragraph 186 of the report received any medical training. The high rate of home confinements and the use of apparently untrained personnel seemed inconsistent with the Government's claim that neonatal tetanus had been virtually eliminated. He asked whether it was possible to disaggregate the figures on infant mortality, in order to distinguish between urban, rural and indigenous rates.

55. Noting that the figures on HIV/AIDS were low by international standards, he asked precisely what drugs and equipment were available, given the constraints on resources, and whether diagnostic equipment was available throughout the country so that all deaths from AIDS were correctly recorded as such.

56. He asked if legal instruments were in place to ensure the provision of services to the disabled and mentally handicapped. He understood that there was quite a lot of discrimination against disabled people in Guatemala, especially in the workplace, and asked if there were any programmes to train them in appropriate trades and reintegrate them into the community.

57. Mr. AVAL (Guatemala) said that the Government did not give a higher priority to the ratification of the Hague Convention than to its own domestic legislation on adoption. However, while the Government continued to seek opinions on the ratification of the Convention within its own departments, the legislation on adoption had been held up by a variety of political factors. The Government was nevertheless determined to secure the passage of the bill through Parliament.

58. The National Committee against the Ill-treatment of Children had been set up by the Children's Ombudsman, working within the Office of the Human Rights Procurator, and included representatives of non-governmental organizations and groups which had been formed spontaneously in hospitals throughout the country to oppose the ill-treatment of children. The Committee's successes included re-establishing line 155, with the aim of making it available 24 hours a day.

59. He agreed that policies for the rehabilitation of victims of abuse were needed, and asked for technical assistance in setting up a centre to deal with the growing number of complaints of child abuse.

60. Mr. ARRANZ SANZ (Guatemala) insisted that the Government was not merely talking about projects for the future; most of the items being discussed, such as the draft code on childhood and adolescence, had already been considered by the previous Government, and were being vigorously pursued by the new Government.

61. Progress was being made in curbing illegal adoption and child trafficking. The Government was taking all possible measures to improve registration mechanisms; for example, it was looking into the possibility of taking footprints of babies at birth. He agreed that a new law on adoption was badly needed. At the moment, various judges could authorize adoptions and the system was wide open to abuse.

62. There had been some progress in identifying and publicizing the ill-treatment of children, although no firm data were yet available on the extent of the problem. For example, an initiative by the Children's Ombudsman had led to the creation of national departmental committees on the protection of children's rights. The departmental committees included representatives of local authorities, social workers and human rights activists working together to increase public awareness of the rights of the child and make it easier to report abuse. Their campaigns were producing results, as shown by the recent public denunciation by the head teacher of a secondary school of cases of child abuse. With the help of UNICEF, an excellent education programme had been set up, so that child abuse was now openly discussed. The programmes mentioned, as well as others, had been initiated under the auspices of the Office of the Human Rights Procurator and were intended to cover all children in Guatemala, without exception.

63. On the question of evaluating the Government's programmes, he admitted that the data available from the Children's Ombudsman were insufficient. The reliability and effectiveness of line 155 should be improved once it had been fully computerized. Marriage counselling was provided by schools and the predominantly Christian Churches, although there was no systematic provision for it.

64. The mechanisms for convicting those who abused children were working, but rehabilitation was not yet taking place. Guatemala was asking for international assistance to deal with rehabilitation, which was an extremely important issue, as broken homes were at the root of much mental, physical and sexual abuse.

65. Another issue to be addressed was the need for healthy and rational family planning. A programme was in place to educate girls, and it was achieving excellent results in lowering fertility rates.

66. He confirmed that the new Government had indeed switched a large part of its health budget to preventive health care, and intended to focus on preventive action in the future.

67. Mrs. SANTOS PAIS said that there had been many cases of abduction leading to illegal adoption in Guatemala in 1994, and that it was important to understand how control mechanisms and professional training could be used to combat those practices.

68. According to some reports, 3 out of 10 children in Guatemala had been victims of abuse. She asked if the National Committee had records of abuse, and what it was doing to publicize its message against abuse.

69. While international support would help Guatemala to approach the problem of rehabilitation, it was also important for the Government to play its part in changing attitudes in the country, so that the rehabilitation of children could take place in an atmosphere of respect for the child and the child's dignity.

The meeting rose at 6.05 p.m.

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Twelfth session

SUMMARY RECORD OF THE 308th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 June 1996, at 10 a.m.

Chairperson: Mrs. EUFEMIO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Guatemala (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Guatemala (continued) (CRC/C/3/Add.33; HRI/CORE/1/Add.47; CRC/C/12/WP.1; replies from the Guatemalan Government, document without a symbol distributed in Spanish)

1. At the invitation of the Chairperson, the Guatemalan delegation took places at the Committee table.

2. Mr. AVAL (Guatemala), speaking of families living in poverty, said that the Government had established the Social Investment Fund in 1993 as a means of introducing a new policy to combat poverty in rural areas, particularly through activities in the areas of nutrition, health, education, social infrastructure and environmental improvement. The Fund was intended to respond to the needs of disadvantaged rural communities and experiment with new types of social management, through the local authorities. From 1993 to 1995, 2,546 projects had been approved by the Fund on behalf of over 2.7 million beneficiaries. In that context, four areas of priority action had been determined: pregnant women and nursing mothers; newborns and children under 6 months of age, male and female; women of child-bearing age and minors under 13 years of age. The Fund based its action on data from the National Institute of Statistics, in particular national household surveys, which had made it possible to define a rural poverty indicator. The indicator had helped to determine the various action priorities, and in 1993 a specific programme had been established to meet the basic needs of the rural population.

3. Mr. ARRANZ SANZ (Guatemala) said that the delegation would be able to provide the Committee with a document on the subject. Under the agreement on social and economic problems, the Government had promised to provide the population with access to all health services, and it tried to focus public expenditures on preventive care in order to reduce the infant and maternal mortality rates. The infant mortality rate, which had been 59 per thousand live births in 1990, had fallen to 40 per thousand in 1993, and the mortality rate for children under 5 years of age, which had been 105 per thousand in 1990, had fallen to 69 per thousand in 1992. According to UNICEF, that significant decrease was due to the vaccination campaigns and the drop in mortality from diarrhoeal illnesses brought about by improvements in the drinking water and sanitation services, conditions of childbirth, nutrition and education. From 1987 to 1990, a large-scale effort had been made to increase the number of vaccinations, and coverage had risen from 68 to 74 per cent of the infant population. Guatemala had virtually eliminated polio and significantly reduced the number of cases of neonatal tetanus. Births were attended by midwives whose skills were sufficient but needed improvement through strict training programmes, especially in the indigenous communities where only 23 per cent of births took place in hospitals.

4. Breast-feeding was very widespread in Guatemala. A programme had been introduced by ("friends of breast-feeding") hospitals, in which all the standards relating to maternal breast-feeding were respected. Because of the frequent cases of calorie and protein deficiency, however, increased vigilance

was needed from the authorities, which was why in 1992 legislation had been enacted to cover the manufacturing of micro-nutrients. In addition, as the result of a private sector initiative, the sugar produced in Guatemala was vitamin A-enriched, and Guatemala had been commended by UNICEF in that regard. Similarly, 94 per cent of the salt was iodized salt.

5. On another matter, broad-scale AIDS-prevention campaigns were being conducted. Legislation guaranteed respect for the fundamental rights of AIDS-sufferers, in particular regarding employment. There was also a 24-hour AIDS information telephone line. Various programmes were also being conducted on behalf of disabled people, particularly programmes for insertion into the labour market, through private initiatives and direct action by the authorities. With regard to education, various organizations, in particular a private fathers' association, provided education for the disabled in order to help them enjoy equal rights and opportunities.

6. The CHAIRPERSON invited the members of the Committee to present their observations and recommendations on the subject of health care.

7. Mrs. SARDENBERG strongly recommended that the Government should involve the private sector in public action, with regard not only to health but also education and raising public awareness of the Convention. Society at large should participate more systematically in action by the authorities and the implementation of the Committee's recommendations. Referring to the sometimes negative attitude of the private sector towards the problem of child labour and street children, she said that efforts should be made to raise the private sector's awareness of those questions and persuade it to help finance various specific projects.

8. Mrs. SANTOS PAIS said that, like Mrs. Sardenberg, she wished to stress the importance of participation by society at large in the life of the nation, which did not mean that the State should shirk its responsibilities regarding the protection of children's rights. Under the May 1996 agreements on social and economic problems, the Government should ensure that the people were able fully to exercise their right to health without discrimination. The most disadvantaged population groups must therefore be given access to health care, in conformity with article 24 of the Convention.

9. It was essential to provide the local authorities with the resources to ensure that the people's right to health care was respected. She welcomed the authorities' undertaking to increase public expenditures in that area by 50 per cent by the year 2000, and she would like information on the steps already taken to attain that objective.

10. Concerning unregistered children, she pointed out that it was difficult to adopt an effective strategy without knowing all the aspects and the actual extent of the problem. She therefore recommended a careful evaluation of the situation of the infant population and of vulnerable groups, particularly in rural areas.

11. The Convention stipulated that States Parties should guarantee the participation of disabled children in community life and their access to education, training and preparation for employment. However, there was a

somewhat disturbing tendency in Guatemala to resort to placement in institutions. A physically disabled child born to poor parents might be placed with adults suffering from serious psychological problems and requiring totally different care. Did that not represent a risk of ill-treatment for the child? In addition, according to article 25 of the Convention, the child had the right to a periodic review of the treatment provided and all other circumstances relevant to his or her placement. She would therefore like to know what kinds of evaluations were made in Guatemalan institutions. Lack of resources did not mean that other solutions should not be sought, such as keeping children with their families.

12. Mrs. BADRAN, referring to paragraph 224 of the report, noted that the number of children examined for disturbed behaviour had more than doubled between 1990 and 1992. In fact mental illness must be more widespread among children than the official figures indicated, considering the impact of the armed conflicts and poverty. In that respect, the Government should establish a clear distinction between mental incapacity, resulting from the child's environment, and mental retardation of genetic origin. Both problems should be treated, but separately.

13. The disturbing number of children underweight at birth seemed all the more alarming because the report gave only the figures from hospitals. Since most women gave birth at home, she asked what was the overall percentage of children born underweight. As problems in that area were due to various factors such as malnutrition and discrimination against women, the Guatemalan authorities should take advantage of international cooperation by contacting the United Nations Population Fund, which had considerable resources to invest in that field. Rather than ask for assistance in the form of medicines or vaccines, it would be preferable to request aid in establishing pharmaceutical factories in Guatemala, which would also lead to job creation.

14. Mrs. KARP, emphasizing the need to consider the psychological sequelae of years of violence and atrocities, asked whether there were rehabilitation or education projects to help children overcome their fear and insecurity.

15. With regard to the right of children to health care, she asked whether a child could consult a doctor on his or her own initiative and whether a minimum age had been set for so doing. Did consultation centres exist where young people were able to speak freely about drugs or sexual problems, and was sex education included in the school curricula? Were there rehabilitation centres for young drug addicts? She would also like to know whether a child could be hospitalized against his or her will, what was the procedure, and whether a child was entitled to oppose medical treatment. Might a girl terminate a pregnancy without authorization from her parents, and from what age?

16. Mr. MOMBESHORA asked whether it was possible to obtain disaggregated infant mortality data in order to compare the situation in urban and rural areas and among the different population groups. He also wondered whether the very high maternal mortality rate was not due to inadequate training of midwives and asked for more information on the methods used to verify

midwives' skills. Since many deaths were also due to poor prenatal care and obstetric services, he wondered what specific steps had been taken to solve that problem.

17. Mr. ARRANZ SANZ (Guatemala) assured the members of the Committee that their recommendations would be taken into account by the Guatemalan Government in deciding what mechanisms to introduce in order to implement the Convention more effectively. In reply to the questions raised, he began by saying that no girl would need to ask her father's permission if she wished to have an abortion.

18. The Government made every effort to involve the private sector in modernizing health services. In so doing, it occasionally met opposition from those who feared privatization of the health services. The problem was therefore a political one, which the Government was attempting to overcome by reconciling opposing interests. On another matter, literacy activities were shared among over 500 organizations, mostly NGOs, and the role of the National Literacy Committee consisted simply of providing them with logistical support and validating the diplomas and certificates awarded. The Ministry of Education had attempted to extend the system to primary education in order to cover children living in remote areas, but had met protests from the teaching staff.

19. There were no disaggregated infant mortality figures. However, available indicators such as vaccination rates, duration of breast-feeding and female contraception indicated sharp disparities between indigenous groups and the rest of the population. The State was, however, determined to combat that de facto discrimination.

20. Concerning the training of midwives, he indicated that proficiency courses had been introduced in 1995 in the hospitals and later at the municipality level. There was also a need to train health auxiliaries in poorly-serviced areas. The population in the mountainous regions was quite scattered and had little access to health services.

21. Regarding the child's participation in community life, he emphasized that progress in that area would necessarily be very slow in traditional Guatemalan society.

22. Mr. GANDARA (Guatemala) said that the Government had set up a school allocations programme intended to compensate for the loss of earnings of parents who sent their children to school. The tasks imposed on mothers in indigenous groups were such that in many cases they were too busy to take advantage of vaccination campaigns. A similar system of incentives would therefore have to be found.

23. There was as yet only one establishment for disabled children and it also catered for mentally-disabled adults and old people. To redress that situation, the Government had decided to establish four major centres throughout the country. Despite the difficulties, which related mostly to 30 years of violence, the relative inexperience of the new Government and the population's linguistic diversity, the State was determined to spare no

effort to encourage community initiatives. He was particularly interested b Mrs. Badran's suggestion about the possibility of establishing pharmaceutica plants in Guatemala.

24. The CHAIRPERSON suggested that the members of the Committee should tur to questions Nos. 42 to 54 on the list (CRC/C.12/WP.1) concerning special protection measures, and possibly return to certain questions pending in the area of education, leisure and cultural activities (questions Nos. 36 to 41)

25. Mrs. KARP asked for clarification of the way in which juvenile justice operated. She found it surprising that minors who committed offences were held in correction centres despite the fact that they were not liable to criminal penalties. She would like to know how the rights granted to all offenders to be tried in court, to be presumed innocent and to appeal were respected in the case of a child. She expressed the hope that alternatives institutionalization would be encouraged. She would also like to know how t legislation envisaged guaranteed protection of the rights of children and wh was being done, pending the adoption of the new legislation, to enable children to remain at liberty in an appropriate structure.

26. Mr. MOMBESHORA pointed out that there had been no replies to the questions on the portion of the budget allocated to education, the portions GDP allocated to education and defence and the question of support for the disabled in the areas of sports and leisure.

27. Turning to the questions on special protection measures, he noted that Guatemala had not conducted any research into the effects of war on children He would like to know whether the Government had taken the conclusions of studies on the subject by private organizations as a basis. He would also like to know whether services existed for reducing the effects of war on the mental health of children, the role played by social workers in the area of psychosocial rehabilitation, whether it was possible to take emergency measures to cope with the increase in problems of drugs and violence and how the committee in charge of assistance to detainees ensured that the rights o children were protected.

28. Mrs. BADRAN said that there was a connection between problems relating education, child labour and poverty. It was clear that education was far fr being available to the entire population and that girls were still at a disadvantage in that area in comparison with boys. In that connection, one measure that should be taken to enable girls to be given more schooling was ensure that they did not marry too early. The United Nations Population Fun encouraged efforts to that end, and in certain countries even went so far as to subsidize families who sent girls to school in order to compensate the families for their loss of earnings. Guatemala would be well-advised to ask UNFPA for assistance.

29. Regarding child labour, the case of Guatemala was far from unique, and many countries a large number of adults were unemployed while a large numbe of children worked. Nevertheless, it was important not to accept that situation on the fallacious pretext that the children had to work since the

parents were unemployed or that children were naturally suited to certain types of work. That abnormal situation could only be corrected through a plan to put adults back to work and stop children being exploited.

30. Mrs. SANTOS PAIS said that she too was very disturbed by the question of child labour, especially as such labour often eluded the inspection services. Work in the family, for example, was considered as a service rendered, but UNICEF and ILO studies showed that one of the reasons for which children did not attend school was that they had no time to study once they completed their household chores. In addition, children working as domestics, occasionally from ages as young as 10, appeared to be particularly exposed to violence, especially girls who came from afar to work in the large cities and therefore could not depend on their families for support. She stressed the need for schools to prepare children for life in the country's particular conditions, in other words for education to be fully adapted to the local culture.

31. She was disturbed at the "doctrine of the irregular situation" mentioned in paragraph 3 of the report, which seemed to penalize childhood and poverty. She asked what guarantees existed that a lawyer would be able to prepare and present a child's defence, even in cases of "antisocial behaviour", an offence whose interpretation was totally arbitrary.

32. Concerning children affected by armed conflicts, she said that there were many such children among the refugees and displaced persons in the country and asked whether programmes existed to facilitate the resettlement process. She also wondered what happened to children under 18 years of age who were forcibly recruited by armed groups and later held responsible for the crimes committed by those groups.

33. Mrs. SARDENBERG noted that according to estimates, there were more than 500,000 working children, which was a very alarming figure. The Government should look more closely into the situation of those children, into the risk of accidents happening to them and into the possibility that they might be exploited, and should consider raising the age of admission to employment to 15, as stipulated in ILO Convention No. 138, without delay. The situation of children employed in agricultural labour also appeared to be disturbing, and she wondered whether initiatives had been taken by communities to protect such children. It would be interesting to know whether the idea of providing working children with a kind of identity card to give them priority access to health services and education had been acted on.

34. Mrs. KARP expressed concern about the situation of children who formed part of the yearly seasonal migrations, which affected approximately 1 million people. The migrants went to work on plantations where living conditions were deplorable, and even if the children did not work, they were not able to attend school. Had the Government thought about looking into the case of those seasonal workers systematically and taking steps to ensure that employers provided them with decent living conditions and the opportunity to enrol their children in school? She would also like clarification of the programmes specifically intended for refugees, returning exiles and internally displaced persons.

35. Mr. ARRANZ SANZ (Guatemala), replying to the questions on the children forcibly recruited into armed groups, expressed regret that the case of a minor being recruited by a patrol had been brought up. That case had been an unfortunate one, but in no way represented a pattern.

36. As for the allocation of resources, he pointed out that 17.7 per cent of public expenditures went to education, as against 11.8 per cent in 1990. That figure, which represented 1.9 per cent of the gross domestic product, was relatively low, but was higher than the amount allocated to defence. Programmes did exist to encourage the public, including disabled people, to practise sports, but those programmes had not yet begun operating.

37. The much-needed reform of the education system was imminent and indigenous groups were being strongly encouraged to take part in the remodelling of school curricula, which should be multicultural and multi-ethnic and be aimed at all young people of school age. The most disadvantaged category, that of girls in rural areas, should be given special attention, for studies had shown that when girls received an education, even if only at elementary level, all members of the family benefited and enjoyed better health, better living conditions and a longer life expectancy.

38. The child's lack of criminal responsibility was in fact purely theoretical, for in practice the judge could decide automatically, without explanation, to place a child suspected of an offence in a reformatory, for an indeterminate length of time. It was then for the judge and the psychologist to release the child when they deemed him or her capable of reinsertion into society. That practice, which consisted of trying, convicting and depriving the child of liberty, grew out of the provisions of the existing Minors Code, which was to be revised as soon as possible. Measures for the reinsertion of young offenders into society were also expected to be implemented.

39. Mr. AVAL (Guatemala), referring to the question of child labour, said that the Government had not yet considered the possibility of raising the age of admission to employment, but that the Unit for Protection of Child Workers, which was a branch of the Ministry of Labour, treated all minors as equal, regardless of sex. The project of the above-mentioned Unit to provide social security coverage to all working children, was practically impossible to implement, for most of those children were employed in the informal sector and escaped all monitoring.

40. The return of refugee children was being organized in the context of programmes designed for families. The authorities issued identity papers for those children and birth certificates if necessary. More than 30,000 people had returned to date. A special fund had been established for granting loans to peasants who wished to purchase land. The authorities were attempting to stagger the refugees' return in order to limit the rise in the price of land, which had increased sharply due to strong demand.

41. Mrs. KARP said she would like to know whether the Guatemalan Government was planning to ask for assistance in reforming the administration of juvenile justice. She would also like to know whether steps were being taken to facilitate the reinsertion of internally displaced children, who were not officially classified as such.

42. Mr. MOMBESHORA noted that, in its written reply to question No. 48 of the list of issues, the Guatemalan Government stated that children's reformatories could not afford to employ doctors at night and during holidays. Perhaps it would be possible to set up a system of placing doctors on telephone standby to resolve that problem.

43. Mr. ARRANZ SANZ (Guatemala) said that Guatemala would in fact need technical assistance to implement the new code on childhood and adolescence and to reorganize the administration of juvenile justice. Guatemala was fully prepared to learn from the experience of other countries in those areas, obviously taking the multicultural nature of Guatemalan society into account. The Government did not have precise figures on the number of internally displaced children, but every effort would be made to ensure that they were covered by the social restructuring programmes that would emerge from the various agreements signed with UNRG.

44. Mr. AVAL (Guatemala) said that the Guatemalan Government would take due account of Mr. Mombeshora's suggestion.

The meeting was suspended at 12.30 p.m. and resumed at 12.50 p.m.

45. The CHAIRPERSON invited the members of the Committee to present their concluding observations on the initial report of Guatemala.

46. Mrs. SARDENBERG thanked the Guatemalan delegation for the information with which it had provided the Committee and for its spirit of dialogue. She welcomed the fact that the Guatemalan Government was committed to the full implementation of the Convention in the light of the recommendations made by the Committee. She also hoped that the difficulties encountered in implementing the peace agreements and adopting the new code on childhood and adolescence would be overcome and that the Government would adopt a global strategy for the protection of children, in particular by establishing mechanisms for ensuring the effective implementation of the Convention.

47. Mrs. SANTOS PAIS stressed the need to bring national legislation into line with the provisions of the Convention. The bodies responsible for coordinating action on behalf of children at national and local levels should be strengthened. It would also be advisable to collect data on particularly vulnerable groups of children such as orphans, indigenous children, refugee children and girls and to encourage the population, particularly the specialized personnel, through education and information, to care for such children, while respecting their cultural diversities. It would also be advisable to amend the law with regard to the ages of marriage, school enrolment and criminal responsibility. In addition, the legislative provisions concerning access to health care, the right to education and the right to be taught in an indigenous language should also be strengthened. The law should also explicitly prohibit corporal punishment, both at home and in school. Children should be able to file a complaint when their rights were violated and express their point of view in court.

48. Concerning adoption, the Government should ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and should combat the corruption and trafficking to which adoption could lead. Similarly, child labour should be explicitly prohibited by law. It would also be necessary to implement special programmes for refugee children and disabled children and to adopt a new childhood code conforming to the provisions of the Convention.

49. Mr. ARRANZ SANZ (Guatemala) said that the Guatemalan Government would give due consideration to the Committee's recommendations; he expressed the hope that most of the difficulties mentioned would have been overcome by the time Guatemala's following periodic report was submitted and that, on that occasion, Guatemalan children might come to address the Committee.

50. The CHAIRPERSON thanked the Guatemalan delegation for its cooperation.

51. The Guatemalan delegation withdrew.

The meeting rose at 1.10 p.m.

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Twelfth session

SUMMARY RECORD OF THE 309th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 June 1996, at 3 p.m.

Chairperson: Mrs. SARDENBERG

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Initial report of Cyprus

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GE.96-16598 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Cyprus (CRC/C/8/Add.24; HRI/CORE/1/Add.28; CRC/C.11/WP.3)

1. At the invitation of the Chairperson, Mr. Zackheos, Ms. Papaonisiforou, Ms. Hadjianastasiou and Ms. Markides (Cyprus) took places at the Committee table.

2. Mr. ZACKHEOS (Cyprus), introducing his country's report, said that since independence the Republic of Cyprus had adopted and pursued a policy of actively promoting the rights of the child. The Convention had been ratified in 1990 and took precedence over any domestic legislation. Its provisions had been invoked in court actions and had affected the outcome of cases.

3. The report, which had been produced jointly by Government departments and non-governmental organizations, showed the efforts his country had made on behalf of children, which had borne fruit in the significant reduction of disease, of infant mortality (9 deaths per 1,000 live births) and the total elimination of malnutrition and of major communicable diseases. It was determined to implement fully the provisions of the Convention and indeed a Committee had been established with the mandate of reviewing the compliance of existing legislation with the Convention, article by article.

4. The Turkish invasion of 1974 and the military occupation of about 37 per cent of the island's territory had brought about increased social problems, which persisted. Some children had become refugees, while others - the children of Greek Cypriot citizens living in the occupied area - were denied the basic right of secondary education. Obstacles were placed in their way with regard to free movement and the provision of books. His Government was therefore not in a position to implement the provisions of the Convention and other international instruments for all inhabitants of the territory. The Government's difficulties in that respect had been recognized by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee. He hoped that the Committee on the Rights of the Child would join them in deploring the occupation of part of the territory of his country and note its adverse consequences for the children of Cyprus. His Government was committed to a peaceful, just and workable solution to the problem. Common ground on the most important issue - the question of security - should first be established. Meanwhile, he believed that the international community, and in particular the human rights bodies, were duty-bound to contribute to the restoration and protection of human rights in countries where long-standing political problems resulted in their violation.

5. Ms. PAPAONISIFOROU (Cyprus) drew the Committee's attention to the National Day of Children, celebrated annually in Cyprus on 1 June, and Children's Week, which was marked by demonstrations, festivals and children's debates to promote awareness of children's rights. Secondly, she assured the Committee that in all legislation affecting children the Convention was taken into account. Thirdly, following Cyprus's ratification in 1995 of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, talks were to shortly begin on that subject with

another contracting State, Romania. Lastly, she submitted a booklet containing details of the legislation introduced since ratification of the Convention, including the Violence in the Family (Prevention and Protection of Victims) Law of 1994, the Adoption Law of 1995, the Children Law of 1993, and the Children (Relationship and Legal Status) Law, 1991. She also submitted tables containing data on family violence affecting children and the sexual abuse of children.

6. Mr. KOLOSOV stressed the importance of children knowing their own rights; they should not be patronized, but should be seen as individuals. Every country maintained that the Convention was widely circulated, but children encountered by the Committee never seemed to know their rights. He asked how children in Cyprus were made aware in practice that they had rights and could protect them.

7. Mrs. SANTOS PAIS said that the Committee needed no further persuasion of the Government's commitment to the welfare of children. The Committee's role must be to make practical recommendations to help children within the jurisdiction of the Government, given the special nature of the problems it faced, to which she hoped a speedy political solution would be found, although she reminded the delegation that the Committee was not a political body itself. She welcomed the fact that there had been judicial decisions invoking the Convention, materially affecting the outcome of trials, and requested specific examples.

8. Miss MASON had high praise for the report and hoped that the Committee would feel able to echo the Committee on the Elimination of Racial Discrimination in deploring the occupation of part of the territory of Cyprus. On specific points, she asked whether the Convention had been translated into any of the minority languages or only into Greek, as mentioned in paragraph 11 of the report, and, if not, whether there were any plans to do so. Secondly, given that children listened to each other more readily than to adults, she asked whether Cyprus used any system of peer advocacy in the framework of the National Day of Children and Children's Week, and, if so, to what extent. Thirdly, she asked whether the Interministerial Commission had any specific mandate other than to monitor the implementation of the Convention. If it was concerned only with the implementation of the Convention, was it not in danger of covering the same ground as the Law Commissioner mentioned in HRI/CORE/1/Add.28, paragraph 53? Fourthly, she asked whether the Ombudsman mentioned in paragraph 48 of the same document, was accessible to children themselves for any general complaints they might have or whether the helpline referred to by the delegation was the only way a child could lodge a complaint. She also wondered whether a child had direct access to the courts or whether he or she had to be represented by a parent or guardian.

9. Mrs. KARP, too, wished to hear more about the application of the Convention before the courts. Also, she welcomed the fact that Cyprus had introduced legislation making the mother an equal guardian with the father, but she wondered whether that was enough to change attitudes within the family. Cyprus was fortunate in its high literacy rate, but she was concerned that traditions, religion and other societal factors made for a conservative approach, under which individual children were not taken seriously within the family.

10. Mrs. BADRAN welcomed the interministerial approach to monitoring implementation of the Convention, which enabled the interaction between various problems to be duly observed. Secondly, she welcomed the fact that Cyprus provided details of its per capita spending on education. In the fin analysis, how much a country spent on its children was crucial to their wellbeing. She urged Cyprus to provide the same details with regard to othe aspects of education, such as how much was spent on buildings or on qualifie teachers, and if possible to give similar details with regard to health and culture. Although expenditure in those areas would be harder to quantify th results would be worth the effort.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

11. Ms. PAPAONISIFOROU (Cyprus) said, with regard to the question raised b Mr. Kolosov, that her Government was seeking to ensure that every child in Cyprus was aware of his or her rights. Much had been done to that end throu the training of teachers and through the mass media and school activities.

12. Mr. ZACKHEOS (Cyprus) said that, with regard to the children of minorities, the Government had announced its intention to open in September Turkish school to provide instruction in the Turkish language with Governmen financing.

13. There was also in Cyprus a small minority of Maronites who, in additio to their native language, spoke English. Their education was paid for virtually entirely by the Government.

14. Ms. PAPAONISIFOROU said that a Central Committee had been established t monitor administrative procedures and to study legislation. If the Central Committee found that a law was not in keeping with the Convention, it would inform the Law Commissioner. The Law Commissioner would then draft a text that would be sent to the Council of Ministers and then to Parliament.

15. Mr. ZACKHEOS (Cyprus) said that the Ombudsman existed to investigate complaints by individuals that the administration had violated their rights acted contrary to the law. Any child could go to the Ombudsman to protest against any particular action, but, as far as he was aware, no child had done so.

16. The Convention had been translated into Greek, since the majority of people were Greek. There was an English text which could meet the requirements of Maronites and Armenians. The Turkish population was only about 500 but the possibility of a Turkish text deserved serious consideration.

17. Ms. PAPAONISIFOROU (Cyprus) said that consideration was being given to providing a 24-hour telephone service that could be used by children to lodg complaints or make suggestions. Consideration was also being given to providing education centres where parents learn about the rights of children among other things. Considerable use was made of the media, including television, to publicize children's rights and children frequently participated in discussion programmes.

18. Ms. HADJIANASTASIOU (Cyprus) said that a number of Government programmes, such as immunization, were free of charge for all children regardless of the financial situation of their parents.

19. Mrs. EUFEMIO said it would be useful to have an indication of the level of participation of children in general, and of any differences in levels of participation in the Greek and Turkish Cypriot communities, or in rural and urban communities. Data on the percentage of children with access to television or who were members of clubs or associations might be useful in that regard.

20. Mr. ZACKHEOS (Cyprus) said that he thought the Cypriot Statistics Office could provide such data, and went on to say that children were free to join clubs, as well as being free to elect their own class leaders in school.

21. Ms. PAPAONISIFOROU (Cyprus) said that although she had no statistical data to prove it, she was sure the vast majority of Cypriot children belonged freely to various kinds of groups.

22. Mrs. EUFEMIO said her concern was for the minority who did not belong to any group.

23. Mr. MOMBESHORA asked what was the minimum age for criminal responsibility in Cyprus, as no mention was made of it in the written answer to the issues raised by the Committee.

24. Miss MASON said she was very concerned that Cypriot law appeared to treat 16-18 year-olds in the same way as adults in regard to criminal responsibility, as the Juvenile Offenders Law applied only to children up to the age of 16. She was also very concerned about cases of sexual offences against children, as it appeared that the Criminal Code classed offences against children aged 13-16 as "misdemeanours".

25. Mr. KOLOSOV sought clarification on the age of majority, and confirmation that the Convention was applicable to every person below the age of 18.

26. Mrs. KARP wished to know how the minimum age for marriage worked in practice. Although civil law set the minimum age at 18, that apparently applied only to Greek Orthodox or mixed marriages, while it was also possible for a bishop to give special permission for marriages at an earlier age with apparently no lower age-limit. She asked which law applied to persons who were not members of the Greek Orthodox Church. The risks and problems of early marriage were well known and in the best interests of the child it should not be encouraged. The Government should therefore consider fixing a uniform minimum age of at least 18 for marriage. Even the consent of parents to the marriage of a child aged 16-18 was not in the best interests of the child.

27. On the subject of criminal responsibility and the juvenile justice system, she asked whether, as children over 16 were treated like adults, they were also subject to the death penalty, which would be a clear violation of the provisions of the Convention.

28. Miss MASON noted that, although Cyprus said in its report that it had abolished the death penalty in 1983 and that it could not be applied anyway to children under the age of 16, a report of the Human Rights Committee in 1994 had voiced concern that it might still be applied to children aged 16-18. She asked the delegation for clarification.

29. Mrs. KARP asked if the Government was intending to change the very low age of seven for criminal responsibility.

30. Ms. PAPAONISIFOROU (Cyprus) replied that the Government was hoping to raise the age of criminal responsibility soon, and stressed that in practice no child under 14 was taken to court except for extremely serious offences. The discrepancies in the definition of the child arose from old laws which had not yet been updated. A major effort was being made to unify Cypriot laws so that they all followed the definition of the child in the Convention, although progress was slow as some laws required not just amendments but a complete redrafting.

31. On the question of children aged 16-18 being treated as adults before the law, she said that in practice the courts were very cautious about sentencing children to prison, preferring probation and other alternatives. In fact, there were only five or six children aged 16-18 in prison in Cyprus. Whenever a young person was taken to court, a welfare report was required for them, and that meant that social workers could exert some influence on court decisions.

32. Mr. ZACKHEOS (Cyprus) said that according to the Constitution, the personal status of Greek Orthodox or Muslim Cypriots was determined by the laws of the respective communities.

33. Ms. HADJIANASTASIOU (Cyprus) said that, in general, early marriages were not condoned in Cyprus. However, they did take place, but only after the consent of the parents was given.

34. Mr. KOLOSOV pointed out that the Convention did not preclude imprisonment for children under 18 years of age. Article 40, paragraph 3 (a) provided only for the establishment of a minimum age below which children would be presumed not to have the capacity to infringe the penal law.

35. Mrs. KARP asked what special measures, such as segregation and special courts, were taken to protect children under 18 years of age who were serving a prison sentence and whether there were alternatives to incarceration.

36. It had been stated that personal status was decided by the respective religious communities. However, a common policy covering the country as a whole should be applied as a guideline for parents and as a way of fulfilling the State's responsibility to children.

37. Miss MASON asked if abortion was legal, how widely it was practised and, since there was no legislation on the minimum age at which children could seek medical care and counselling without the parents' consent, whether it would be possible for a girl to seek an abortion without her parents' knowledge.

38. The CHAIRPERSON, speaking as a member of the Committee, asked if society at large was ready to accept the legislative changes needed in Cyprus, and if not, what was being done to convince them of their expediency.

39. Mr. ZACKHEOS (Cyprus), said that he agreed that there should be common standards and legislation for the entire population. However, the situation in Cyprus was special, demanding a special Constitution. Extreme care had been taken in drafting the Constitution to protect the interests of the minority and allow a large degree of autonomy, for example, in the areas of personal status and religious affairs. It would be next to impossible to change the Constitution and it was not advisable for the Government to become entangled in an issue as sensitive as early marriage, which should be left to religious communities to settle. Cases of early marriage were relatively isolated because it was generally felt that girls should at least finish their education before marrying.

40. Ms. PAPAONISIFOROU (Cyprus) said that until attitudes changed, legislation would not be able to prevent early marriages. In general, however, people were tending to marry later and the average age of marriage had risen to 27 for women and 29 for men.

41. Ms. HADJIANASTASIOU (Cyprus) said that the abortion laws were strict, sanctioning abortion only in certain cases, such as danger to the health of the mother, pregnancy resulting from sexual abuse, and so forth. There were no actual figures, but cases of unmarried girls under the age of 18 having abortions without their parents' consent could not be discounted. The Family Planning Association did all it could to prevent unwanted pregnancies.

42. Mr. MOMBESHORA asked for clarification on medical counselling and whether a child could be prescribed treatment, particularly in private clinics, without the parents' consent or knowledge.

43. Ms. HADJIANASTASIOU (Cyprus) said that doctors would not necessarily feel the need to contact the parents of a patient in the case of routine consultations or minor ailments. In cases of abortion, doctors, including those in the private sector, were careful to respect the law, and would be very unlikely to carry out an abortion on a girl without her parents' consent.

44. Ms. PAPAONISIFOROU (Cyprus) said that each family had a medical card, covering the parents and children under 18 years of age, that had to be presented to a doctor or hospital before treatment would be provided. It would thus be impossible for a child to seek treatment or counselling without the knowledge of his or her parents.

45. Mr. ZACKHEOS (Cyprus) said that a child could be treated without his or her medical card in an emergency.

The meeting rose at 6 p.m.